

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1142**

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**Introduced by Assembly Member Chesbro**  
**(Coauthors: Assembly Members Halderman and Bonnie Lowenthal)**  
*(Coauthor: Senator Leno)*

February 18, 2011

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An act to *amend Section 1569.884 of, and to add Section 1569.652 to, the Health and Safety Code, relating to residential care facilities for the elderly.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1142, as amended, Chesbro. Residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly, as defined, by the State Department of Social Services. *Existing law requires the admission agreement for a residential care facility for the elderly to contain specified elements.* Under existing law, a violation of these provisions is punishable as a misdemeanor.

This bill would prohibit a residential care facility for the elderly from assessing personal care fees upon notice of the death of a resident, and *would prohibit the facility from assessing fees for the residential living unit of a deceased resident once it is vacated and all personal property of the deceased is removed. This bill would require an admission agreement to include a clear explanation of this prohibition. This bill would limit the liability for the payment of these fees that are not prohibited to prescribed individuals and entities. This bill would also require for a recipient receiving SSI/SSP, that a residential care facility*

*for the elderly meet the requirements for the SSI/SSP program in assessing these fees, as prescribed by law.*

By expanding the definition of a crime, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1569.652 is added to the Health and  
2 Safety Code, to read:

3 1569.652. (a) A residential care facility for the elderly shall  
4 not do either of the following:

5 ~~(a)–~~

6 (1) Assess personal care fees upon notice of the death of a  
7 resident.

8 ~~(b)–~~

9 (2) Assess fees for the residential living unit of a deceased  
10 ~~resident once the unit is vacated and all personal property is~~  
11 ~~resident once all personal property belonging to the deceased is~~  
12 removed.

13 (b) *Liability for the payment of either a personal care fee or a*  
14 *fee for the residential living unit not prohibited by subdivision (a)*  
15 *is limited to the individual, individuals, or entity contractually*  
16 *responsible for the payment of monthly fees for the resident.*

17 (c) *For a recipient receiving SSI/SSP, the residential care facility*  
18 *for the elderly shall meet the requirements for the SSI/SSP program*  
19 *in assessing personal care fees or fees for the residential living*  
20 *unit, as prescribed by law.*

21 SEC. 2. Section 1569.884 of the Health and Safety Code is  
22 amended to read:

23 1569.884. The admission agreement shall include all of the  
24 following:

1 (a) A comprehensive description of any items and services  
2 provided under a single fee, such as a monthly fee for room, board,  
3 and other items and services.

4 (b) A comprehensive description of, and the fee schedule for,  
5 all items and services not included in a single fee. In addition, the  
6 agreement shall indicate that the resident shall receive a monthly  
7 statement itemizing all separate charges incurred by the resident.

8 (c) A facility may assess a separate charge for an item or service  
9 only if that separate charge is authorized by the admission  
10 agreement. If additional services are available through the facility  
11 to be purchased by the resident that were not available at the time  
12 the admission agreement was signed, a list of these services and  
13 charges shall be provided to the resident or the resident's  
14 representative. A statement acknowledging the acceptance or  
15 refusal to purchase the additional services shall be signed and dated  
16 by the resident or the resident's representative and attached to the  
17 admission agreement.

18 (d) An explanation of the use of third-party services within the  
19 facility that are related to the resident's service plan, including,  
20 but not limited to, ancillary, health, and medical services, how  
21 they may be arranged, accessed, and monitored, any restrictions  
22 on third-party services, and who is financially responsible for the  
23 third-party services.

24 (e) A comprehensive description of billing and payment policies  
25 and procedures.

26 (f) The conditions under which rates may be increased pursuant  
27 to Section 1569.655.

28 (g) The facility's policy concerning family visits and other  
29 communication with residents, pursuant to Section 1569.313.

30 (h) The facility's policy concerning refunds.

31 (i) Conditions under which the agreement may be terminated.

32 (j) An explanation of the facility's responsibility to prepare a  
33 relocation evaluation, for each resident and a closure plan and to  
34 provide notice in the case of an eviction pursuant to Section  
35 1569.682.

36 (k) *A clear explanation that the facility shall not assess personal*  
37 *care fees upon notice of the death of a resident and shall not assess*  
38 *fees for the residential living unit once all personal property*  
39 *belonging to the deceased is removed pursuant to Section*  
40 *1569.652.*

1     ~~SEC. 2.~~

2     *SEC. 3.* No reimbursement is required by this act pursuant to  
3     Section 6 of Article XIII B of the California Constitution because  
4     the only costs that may be incurred by a local agency or school  
5     district will be incurred because this act creates a new crime or  
6     infraction, eliminates a crime or infraction, or changes the penalty  
7     for a crime or infraction, within the meaning of Section 17556 of  
8     the Government Code, or changes the definition of a crime within  
9     the meaning of Section 6 of Article XIII B of the California  
10    Constitution.

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